

Judge: Timothy W. Dore
Chapter: 13
Hearing Date: December 17, 2014
Hearing Time: 9:30 am
Hearing Location: U.S. Bankruptcy Court
700 Stewart St #8106
Seattle, WA 98101
Response Date: December 10, 2014

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In Re:

ANTONIO FRANCINE FLIGHT AND
KIM LYNNICE FLIGHT,

Debtors.

IN CHAPTER 13 PROCEEDING
NO. 14-16434

NOTICE OF MOTION AND HEARING

PLEASE TAKE NOTICE that the Chapter 13 Trustee's **Motion to Dismiss Case** IS SET FOR HEARING
as follows:

Judge: Timothy W. Dore
Place: U.S. Bankruptcy Court
700 Stewart St #8106
Seattle, WA 98101

Date: December 17, 2014
Time: 9:30 am

IF YOU OPPOSE the motion, you must file your **written response** with the Court Clerk and serve two (2)
copies on the Chapter 13 Trustee NOT LATER THEN THE RESPONSE DATE, which is December 10,
2014.

IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its discretion, GRANT THE
MOTION PRIOR TO THE HEARING WITHOUT FURTHER NOTICE, and strike the hearing.

Date: October 28, 2014

/s/K. Michael Fitzgerald
K. Michael Fitzgerald, WSBA# 8115
Chapter 13 Trustee

NOTICE OF HEARING

Chapter 13 Bankruptcy Trustee
600 University St. #2200
Seattle, WA 98101
(206) 624-5124 Fax: (206) 624-5282

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In Re:

ANTONIO FRANCINE FLIGHT AND
KIM LYNNICE FLIGHT,

Debtors.

IN CHAPTER 13 PROCEEDING
NO. 14-16434

TRUSTEE'S MOTION TO DISMISS CASE

The Trustee moves to dismiss this case as follows:

The debtors filed a plan on August 28, 2014 (ECF No. 2).

(1) According to Springleaf Financial Services (ECF Claim No. 7), the debtor is \$499.52 delinquent on her second mortgage on the real property at 327 29th Avenue, Seattle, Washington. The debtors need to amend the plan to provide for payment of Springleaf through the plan (i.e., the Trustee will make the ongoing and pre-petition delinquency payment from debtors' plan payments). Local Bankr. R. 3015-1(j). (2) The debtors' Schedule A (ECF No. 1) fails to include the debtors' interest in the real property at 11604 Rainier Avenue South, Unit 201, Seattle, Washington. (3) The debtors' plan fails to provide for the real property at 11604 Rainier Avenue South, Unit 201, Seattle, Washington. Bank of America also pointed out this problem in its objection to confirmation (ECF No. 26). If the debtors intend to surrender the property, they should indicate that. (4) The debtors' plan is not feasible. To pay the mortgages on the real property at 327 29th Avenue, Seattle, Washington and the debtors' other obligations, the debtors would need to increase their monthly plan payment to approximately \$3,500.00. That amount is an estimate, however, as the senior mortgage creditor has not filed its claim for the real property at 327 29th Avenue, Seattle, Washington. (5) The Trustee reserves the right to assert additional bases for this pleading.

TRUSTEE'S MOTION TO DISMISS CASE - 1

Chapter 13 Bankruptcy Trustee
600 University St. #2200
Seattle, WA 98101
(206) 624-5124 Fax: (206) 624-5282
www.seattlech13.com

THE TRUSTEE REQUESTS:

An order dismissing this case.

Dated: October 28, 2014

/s/ K. Michael Fitzgerald
K. Michael Fitzgerald, WSBA #8115
Chapter 13 Trustee

TRUSTEE'S MOTION TO DISMISS CASE - 2

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10 **IN THE UNITED STATES BANKRUPTCY COURT**
11 **FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

12 In Re:

13 ANTONIO FRANCINE FLIGHT AND
14 KIM LYNNICE FLIGHT,
15 Debtors.

IN CHAPTER 13 PROCEEDING
NO. 14-16434

Proposed
ORDER DISMISSING CASE

16 THIS MATTER having come before the Court upon the Chapter 13 Trustee's motion to dismiss case,
17 proper notice having been given, and the Court having examined the files and records, having heard any
18 argument of counsel, and being fully advised, it is

19 ORDERED that this case is dismissed.

20
21 // /End of Order/ //

22 Presented by:

23 /s/K. Michael Fitzgerald
24 K. Michael Fitzgerald, WSBA# 8115
25 Chapter 13 Bankruptcy Trustee
26 600 University St. #2200
27 Seattle, WA 98101
28 (206) 624-5124 Fax: (206) 624-5282
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jwa
ORDER DISMISSING CASE

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